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**MAILED**  
OCT 27 2009  
**OFFICE OF PETITIONS**

In re Application of :  
David M. Neville, et al. :  
Application No. 10/566,886 :  
Filed: February 1, 2006 :  
Attorney Docket No. 14028.0295U2 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 23, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed December 12, 2008, which set a shortened statutory period for reply of three (3) months. In view of the 2-month extension of time under the provisions of 37 CFR 1.136(a), the application became abandoned on May 13, 2009. A Notice of Abandonment was mailed on June 23, 2009. On July 23, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810 and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the additional \$620 extension fee included with this petition is being refunded to counsel's credit card.

This application is being referred to Technology Center AU 1633 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions